THE BOMBAY CODE.

PART I.

BOMBAY REGULATIONS.

BOMBAY REGULATION II OF 1827.[1]

[*1st January, 1827.*]

A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and offices thereof.

PREAMBLE. *Rep. Act XIV of 1869.*

CHAPTER I.

[*Supreme Court of Sadr Adálat.*]

1 to 15. *Rep. Act XII of 1873.*

CHAPTER II.

OF ZILA COURTS, INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

16 to 20. [*Appointment of Judge; his Court; his seal; his oath; acting Judge.*] *Rep. Act XIV of 1869.*

21. *First.—The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints between Natives and others, not British-born subjects, respecting the right to moveable or immoveable*

[1] So much of Bom. Reg. 2 of 1827 as had not already been repealed (excepting the part of section 21 which prohibits interference of the Civil Courts in caste questions) was repealed in the whole of the Bombay Presidency, except Sind and Aden, by Bombay Act 17 of 1920, s. 34 and Sch. I, *infra*, Vol. V. Ss. 21, 47 to 54 (inclusive), and s. 56 of Bom. Reg. 2 of 1827 were declared, by notification under the Scheduled Districts Act, 1874 (14 of 1874); General Acts, Vol. II, to be in force in the Province of Sindh—*see* Appendix, p. 304, *infra*.

property, rents, Government-revenues, debts, contracts, marriage, succession, damages for injuries, and generally of all suits and complaints of a civil nature [1]; it being understood that no interference on the part of the Court in caste-questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party.

Caste-questions.

Second to *Seventh.*—[*Provisoes as to admission of suits; jurisdiction over British-born subjects.*] *Rep. Acts X of 1861 and XIV of 1869.*

22 to 33. [*Jurisdiction; superintendence of inferior Courts; complaints against public officers; control of civil jail; subordination to higher Courts; appointment of Judges; oaths; duties; law officers; nazir; sherishtadar; record-keeper; administration of oaths.*] *Rep. Act XIV of 1869.*

CHAPTERS III AND IV.

[*Appointment, Removal and Punishment of Officers of Courts; Courts of Commissioners for deciding Civil Suits.*]

34 to 44. *Rep. Act. XIV of 1869.*

CHAPTER V.

[*Courts for Recovery of Debts due by British Subjects.*]

45, 46. *Rep. Act X of 1861.*

CHAPTER VI.

OF PLEADERS.[2]

Authorized pleaders to hold sanads.

47. *First.*—Natives or others may be authorized to practise in each Court as pleaders (vakils) [3] in behalf of parties in any judicial proceedings, being qualified by sanad according to the rules in the succeeding section.

Persons allowed to act.

Second.—No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves or their recognized agents * * *[4].

Third.—[*Exception as to Court of Commissioner.*] *Repealed by Act I of 1846.*

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[1] S. 21, *clause* first (except so much as prohibits interference of the Civil Courts in caste-questions), was repealed by Act 10 of 1861 and Act 14 of 1869, *infra*.

[2] See also ss. 13 [except clauses (*a*), (*b*), (*c*), (*d*) and (*f*)], 34, 36 and 40 of the Legal Practitioners Act, 1879 (18 of 1879), which have been extended to the Bombay Presidency and the Province of Sindh—*see* General Acts, Vol. III.

[3] *Cf.* Act 1 of 1846, ss. 4 and 5, General Acts, Vol. I.

[4] Portion repealed by Act 12 of 1873 is omitted.

Fourth.—In matters to which Government is a party, it shall be lawful for a pleader to act on a general vakálatnáma, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zila Court of the district in which he practises. Government pleader may hold general vakálatnáma.

48. *First.*—The number of pleaders shall not be limited, but any person duly qualified and of unexceptionable character shall be entitled to a sanad of appointment. [1] Number of pleaders unlimited.

Second.—[*Qualifications; appointment how made.*] *Repealed by Act I of 1846.*

Third.—Each pleader, on being found qualified, shall be furnished with a sanad, under the seal of the Court of Sadr Díwáni Adálat, in the form of Appendix J. [1] Sanads to be furnished.

49. The pleaders in the Zila Courts shall practise each in such particular Court or Courts as may be assigned to them by the Zila Judge, or indiscriminately in all the Courts of the respective zila, if it be not found necessary to appropriate the pleaders to particular Courts. Practice of pleaders how regulated.

50. *First.*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in Court, a power-of-attorney (vakálatnáma), according to the form contained in Appendix K, appointing him pleader in the cause. Pleader to file vakálatnáma.

Second.—If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and, if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered. [2] Retaining fee to be paid to pleader.

Third.—If, after receiving the retaining fee, a pleader shall engage with, or act for, the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding rupees five hundred; or, if the matter in litigation be less than rupees two hundred and fifty, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed [3]* * *. Penalty for failure to perform engagement.

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[1] *Cf.* Act 1 of 1846, ss. 4 and 5, General Acts, Vol. I.

[2] *Cf.* Act 1 of 1846, ss. 7 and 8, General Acts, Vol. I.

[3] The words and figures "under the rules contained in section 56 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895), *infra*.

Court empowered to fine.

Fourth.—The fine may be inflicted by the Court in which the suit relative to which the failure of duty occurred may be pending * * * * [1].

51. *First.*—[*Representative character of pleader.*] *Rep. Act X of 1861.*

Pleader to give receipts to client for papers and to return them when required. Penalty for misconduct.

Second.—It shall be incumbent on a pleader, at the time of receiving any accounts, writings or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding rupees one hundred, to be levied under the [2] * * * last clause of the preceding section; or, if the circumstances be of an aggravated nature, of suspension or [3] [dismissal] [4] * * *.

Fees in original suits.

[5]**52.** *First.*—Each pleader employed in prosecuting or defending an original suit shall be entitled to a percentage on the amount sued for, according to the rates specified in Appendix L, as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

In Appeals.

Second.—The remuneration to a pleader employed in prosecuting or defending an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit.

Private agreement not barred.

Third.—The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee.

Pleader to have excess when costs awarded against other party exceed amount agreed upon.

Fourth.—But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered.

Fifth.—[*Recovery of fees.*] *Rep. Act. XII of 1873.*

53. *First.*—[*Half-fees.*] *Rep. Act. XII of 1873.*

Several pleaders may be engaged, but without prejudice to opposite party.

Second.—Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party.

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[1] Words repealed by Act 12 of 1873 are omitted. *Cf.* Act 1 of 1846, ss. 10 and 12, General Acts, Vol. I.

[2] The words "rules contained in the" were repealed by the Amending Act, 1895 (16 of 1895), *infra.*

[3] The word "dismissal" was substituted for the word "dismission" by *ibid.*

[4] The words and figures "according to section 56 of this Regulation" were repealed by *ibid.*

[5] S. 52 is modified by ss. 6 and 7 of Act 1 of 1846, General Acts, Vol. I.

Third.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the Court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the Court. Client may withdraw his vakálatnáma, but pleader not to withdraw without his consent or order of Court.

Fourth.—[*Fees in certain cases.*] *Rep. Act XII of 1873.*

54. *First.*—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding rupees one hundred, to be adjudged by the Court in which the failure of duty occurred, and levied as the amount of a decree by the same. * * * *[1] Pleader's absence to be reported. Penalty for absence without notice.

Second.—In case of the resignation, dismissal or death of a pleader, proceedings in the suit shall in like manner be stayed * * * *[1]. Stay of proceedings on resignation or death.

55. [*Fees in certain cases.*] *Rep. Act I of 1846.*

56. A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed * * * * *[2]; but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions. Pleaders liable to suspension or dismissal without prejudice to private action for damages.

APPENDICES A to I.

[*Rep. Acts XII of 1876, X of 1873, XII of 1873, XII of 1876, and VI of 1866.*]

APPENDIX J.

(*See section 48, clause third.*)

FORM OF SANAD GRANTED TO A PLEADER.

Seal of the Sadr Díwáni Adálat.

To *A. B.*, inhabitant of———.

In conformity with the provisions of Regulation II, A.D. 1827, you, A.B., are hereby appointed to the office of Pleader in the Court of———:

[1] Words repealed by Act 12 of 1873 are omitted.

[2] The words and figures "under the rules regarding Commissioners, contained in the third clause of section 38 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895), *infra*.

you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Sadr Díwáni Adálat.

(Signed by the Registrar.)

APPENDIX K.

(See section 50, clause first.)

FORM OF POWER-OF-ATTORNEY TO ENABLE A PLEADER TO ACT IN A SUIT.

IN THE COURT OF ————.

Suit for Rs. ————.

————*Plaintiff,*

against

————*Defendant.*

I————plaintiff (*or* defendant, *as the case may be*) do hereby authorize ————to appear and act as Pleader for me in the above suit.

Witness my hand, this—day of————, 18—.

(*Signed or the mark of*) { The Plaintiff / *or* / Defendant.

APPENDIX L.

(See section 52, clause first.)

STATEMENT SHOWING THE FEES TO WHICH PLEADERS ARE ENTITLED FOR ACTING THROUGHOUT ORDINARY SUITS WHEN THERE IS NO SPECIFIC AGREEMENT.

The Pleader's fee is	in suits for not more than Rs. 2,000	three per cent.
	in suits for from Rs. 2,000 to 10,000 inclusive— on Rs. 2,000 as above, and on the remainder . .	two per cent.
	in suits for from Rs. 10,000 to 20,000 inclusive— on Rs. 10,000 as above, and on the remainder .	one per cent.
	in suits for more than Rs. 20,000— on that sum as above, and on the remainder . .	half per cent.

BOMBAY REGULATION IV OF 1827.[1]

[*1st January, 1827.*]

A Regulation prescribing the forms of proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.

PREAMBLE. *Rep. Act X of 1861, and again by Act XIV of 1869.*

1 to 25. *Rep. Acts X of 1861 and XIV of 1869.*

26. The law to be observed in the trial of suits shall be Acts of Parliament and Regulations of Government applicable to the case; in the absence of such Acts and Regulations, the usage of the country in which the suit arose; if none such appears, the law of the defendant; and, in the absence of specific law and usage, justice, equity and good conscience alone. Law to be observed by Courts.

27 to 100. *Rep. Acts X of 1861; XVII of 1862; XIV of 1869; VI of 1874; and, 2nd and 3rd clauses of s. 69 (locally), Bom. Act V of 1879.*

APPENDICES A TO S.

[*Rep. Act X of 1861.*]

BOMBAY REGULATION V OF 1827.[2]

[*1st January, 1827.*]

A Regulation * * * * *[3] containing rules of judication respecting written acknowledgments of debts executed without receipt of a full consideration, also regarding * *[3]

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[1] S. 26 *and s. 69, cls.* second *and* third, of Bom. Reg. 4 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. S. 26 *and s. 69, clauses* second *and* third, have been declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Districts of Thar and Parkar and the Upper Sindh Frontier; and s. 26 has, by a similar Notification, been declared to be in force in the Districts of Karáchi, Hyderabad and Shikárpur—*see* Appendix, p. 306 *infra*.

[2] The Preamble and ss. 9, 14 and 15 of Bom. Reg. 5 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Province of Sindh—*see* Appendix, p. 306 *infra*.

[3] The words "defining the limitations, as to time, within which civil actions may be prosecuted and" and the word "interest" were repealed by the Repealing Act, 1876 (12 of 1876).

the tendering payment of debts, and the disposal of property mortgaged or pledged.

Preamble.

* * * * * * [1] WHEREAS justice, the interests of trade, and the easy and secure transaction of money-dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed * * * * [1] for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged;

the following rules have therefore been enacted * * * * *.[1]

CHAPTER I.

[*Limitation.*]

1 to 8. *Rep. Act IX of 1871.*

CHAPTER II.

OF ACKNOWLEDGMENTS OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

Proof of amount of debt.

9. [2] *First.*—Written acknowledgments of debt in any shape shall not be held conclusive in a Court of Law as to the amount, if the defendant show that a full consideration has not been received.

Proof in case of cultivator sued on writing executed out of British jurisdiction.

Second.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution under British jurisdiction, if the circumstances are such as to convince the Court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested) then the said writing shall not be

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[1] The words "Whereas it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which civil suits may be instituted and," the words "for the calculation of the interest of money, and for limiting the amount thereof, and," and the words "to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

[2] S. 9, *clause first*, is repealed, locally, so far as regards any suit to which section 12 of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), applies—*see* Act 17 of 1879, s. 12 (to be read with s. 1), *infra*.

held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the Court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

CHAPTER III.

[*Rate and continuance of Interest.*]

10 to 12. *Rep. Act XXVIII of 1855.*

13. *Rep. Act XII of 1873.*

CHAPTER IV.

How a Claim to Interest is affected by Tender of Payment.

14. If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered. Interest ends upon tender made.

CHAPTER V.

Of the Disposal of Property mortgaged or pledged.

[1] **15.** *First.*—When a creditor is placed in possession of property by mortgage or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Second.—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Third.—In the absence of any special agreement, or recognised law or usage to the contrary, either party may at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

APPENDICES A and B.

[*Rep. Acts XII of 1873 and IV of 1894, respectively.*]

[1] S. 15 is repealed by the Transfer of Property Act, 1882 (4 of 1882), in the whole of the territories, other than the Scheduled Districts, under the administration of the Government of Bombay—*see* General Acts, Volume III, and Notification No. 5947, dated the 27th October, 1892, Bombay Government Gazette, 1892, Pt. 1, p. 1071.

BOMBAY REGULATION VIII OF 1827.[1]

[*1st January, 1827.*]

A Regulation to provide for the formal recognition of heirs, executors and administrators, and for the appointment of administrators and managers of property by the Courts.

Preamble. WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management or sue for the recovery for property belonging to the estate, without the interference of Courts of justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zila Court;

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zila Court should appoint an administrator for the management of the estate;

the following rules are therefore enacted * * * * *[2].

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[1] Bom. Reg. 8 of 1827 was declared by the Laws Local Extent Act, 1874 (15 of 1874) s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It was extended to the Province of Sindh by the Sindh Courts Act, 1866 (Bom. Act 12 of 1866), s. 12, Vol. II of this Code, and was afterwards declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in that Province—*see* Appendix, p. 306, *infra*.

As to Court-fees on certificates granted under this Regulation, *see* clause *viii* of s. 19, and article 12A of Sch. I of the Court-fees Act, 1870 (7 of 1870), General Acts, Vol. II.

As to the application of certain provisions of the Succession Certificates Act, 1889 (7 of 1889), General Acts, Vol. IV, and of s. 98 of the Probate and Administration Act, 1881 (5 of 1881), General Acts, Vol. III, to certificates granted under this Regulation, to applications made for such certificates and to the exhibition of inventories and accounts by holders of such certificates, *see* s. 28 of Act 7 of 1889, General Acts, Vol. IV.

The grant of probate or letters of administration under the Probate and Administration Act, 1881 (5 of 1881), in respect of any property supersedes any certificate previously granted in respect of the same property under this Regulation, *see* s. 152 of Act 5 of 1881, General Acts, Vol. III.

As to grant of certificate under the Succession Certificates Act, 1889 (7 of 1889), on production of a certificate granted under this Regulation, *see* s. 4 of that Act.

[2] The words "to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

CHAPTER I.

RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS AND ADMINISTRATORS WHEN THERE IS A COMPETENT CLAIMANT.

Legal heir, etc., of person deceased competent to represent him without recognition from Court.

1. Whenever a person dies leaving property, whether moveable or immoveable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery, of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court to be formally recognized.

But if such recognition requested, proclamation will be issued.

2. *First.*—But if an heir, executor or administrator is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe for persons in possession of, or indebted to, the estate to acknowledge and deal with him, the Judge, on application, shall issue a proclamation, in the form contained in Appendix A, inviting all persons who dispute the right of the applicant to appear in the Court within one month from the date of the proclamation and enter their objections, and declaring that, if no sufficient objection is offered, the Judge will proceed to receive proof of the right of the applicant, and, if satisfied, grant him a certificate of heirships, executorship or administratorship.

Second.—[*Publication of proclamation.*] *Rep. Act XII of 1873.*

If no objection appears, recognition to be granted.

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased.

Objection appearing, to be examined, and recognition given or refused accordingly.

4. *First.*—If, before the expiration of the time, any objection is made to the right of the person claiming as heir, executor or administrator, the Judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties) shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate, as the circumstances of the case may require.

If question is complicated or difficult, matter to be left for adjudication.

Second.—But if, from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties.

Authenticity of wills and recognitions how certified.

5. Whenever an executor is formally recognised, under the rule contained in section 4, the authenticity of the will, if any, by which he is appointed, shall be proved, and the certificate of executorship shall be endorsed thereon.

6. [*Wills and recognitions to be registered.*] *Rep. Act XII of 1873.*

Recognized heir, etc., competent to manage property.

7. *First.*—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity.

But recognition gives no title to property,

Second.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate shall be annulled by the Zila Court, upon proof that another person has a preferable right.

nor relief from responsibility to claimants.

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of recognition no judgment against claim of applicant.

8. The refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim.

CHAPTER II.

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILA COURT, WHEN THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE PLACED IN POSSESSION.

When heir, etc., is present but undetermined, or incompetent,

9. Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs from infancy, insanity or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the Judge, within whose jurisdiction such property is, may appoint an administrator for the management thereof, until the lawful heir, executor or administrator appears, or the right of succession is determined, or the disqualification of the heir is removed, as the case may be, when the Judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration.

Judge may appoint administrator,

to be duly accountable when emergency at end.

[1] **10.** *First.*—Whenever any person dies intestate, and without known heirs, leaving property, the Judge, within whose jurisdiction the property is, shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in Appendix C, calling upon the heir of the deceased or any person entitled to receive charge of the property, to attend and prefer his claim. If heir, etc., unknown, administrator to be appointed, and proclamation issued,

Second.—The proclamation shall be published, [2] * * * * * and if the deceased was a Native of any district or country without the limits of the Court's jurisdiction, and the property is of the value of rupees one thousand (1,000) [2] * * * * * * * or upwards, the proclamation shall also be published in the [2] * * * * * Government newspaper. and published.

Third.—If any person appears and satisfies the Judge of his right to the possession of the property or any part of it as heir, executor, administrator or otherwise, it shall be delivered up to him, after deducting the necessary expenses of management. Heir, etc., appearing to be put in possession,

Fourth.—But, if no person appears and establishes his right, the Judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sadr Díwani Adálat, accompanied by an inventory and valuation of the property; and it shall be lawful for the Sadr Díwáni Adálat either to direct the property to continue for a further period under the management of the administrator, or to be sold by him under the authority of the Court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned. and if no heir appears, reference to Sadr Díwáni Adálat, who will grant time, or order sale and proceeds to be deposited.

11. Whenever an administrator is appointed by the Judge under sections 9 and 10 of this Regulation, he shall, previously to entering upon the execution of his office, give security in a sum to be fixed by the Judge for the faithful discharge of his trust, and he shall be entitled to such remuneration as the Judge may fix for his trouble, but subject to modification by the Sadr Díwáni Adálat, on the complaint of any person interested. Administrators appointed by Court to give security, and to be remunerated at discretion of Judge.

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[1] S. 10 does not apply to intestate property which is dealt with by a Magistrate under the Bombay District Police Act, 1890 (Bom. Act 4 of 1890), s. 58 (*3*) in Vol. III of this Code.

[2] The words "in the manner prescribed in Reg. IV, A. D. 1827, section VIII, clause tenth", the words "local currency" and the words "Bombay Courier or other" were respectively repealed by the Repealing Act, 1873 (12 of 1873).

APPENDIX A.

Form of Proclamation to be issued when a person applies to be recognized as heir, executor or administrator of one deceased.

PROCLAMATION.

IN THE COURT OF THE ZILA OF ——.

WHEREAS *A. B.*, inhabitant of——, died at——on or about the —— day of——, and whereas *C. D.*, inhabitant of ——, has presented an application to the Judge of the said zila for the purpose of being formally recognized as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*, this is to give notice to all persons who may dispute the right of the said *C. D.*, as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*, to appear in the Court of the said zila within one month from the date of this proclamation, there to enter their objections; and it is hereby declared that if no sufficient objection is offered before the expiration of that period, the said Judge will forthwith proceed to receive proof of the said *C. D.'s* right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [executorship *or* administratorship, *as the case may be*] of the said *A. B.*, deceased.

Dated at —— this —— day of——.

(*Signed*) { *By the Judge*
Senior Assistant Judge,
or
Junior Assistant Judge.

APPENDIX B.

Form of Certificate to be granted to the recognized heir, executor or administrator of one deceased.

IN THE COURT OF THE ZILA OF —— .

WHEREAS *A. B.*, inhabitant of——, died at——on or about the——day of——, and application was made by *C. D.*, inhabitant of——, to the Judge of the said Court, to be formally recognized as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*; and, whereas the usual proclamation

having been issued, no sufficient objection was offered to the right of the said *C. D.*; and whereas the said *C. D.* thereupon gave proof to the satisfaction of the Court of his right to be recognized as heir [executor *or* administrator, *as the case may be*] of the said *A. B.*:

This, therefore, is to certify that the said *C. D.* is the recognized heir [executor *or* administrator] of the said *A. B.* deceased.

Dated at——this——day of——.

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

APPENDIX C.

Form of Proclamation to be issued when a person dies intestate, and without known heirs, leaving property.

PROCLAMATION.

IN THE COURT OF THE ZILA OF——.

WHEREAS *A. B.*, inhabitant of——, died at——on or about the——day of——, leaving the following property at——, within the said zila, namely, [*here specify the property*]; and whereas no will of the said *A. B.* has been found, nor is it known if he has any heirs: This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said Court, in order that on such claim being proved, the said property may be delivered up to them.

Dated at—— this——day of——.

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

BOMBAY REGULATION XII OF 1827.[1]

[*1st January, 1827.*]

A Regulation *for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and* for defining the duties and powers of *all* Police-authorities *and servants.*

PREAMBLE. *Rep. Act XVII of 1862 and again Act XII of 1876.*

1 to 18.—*Rep. Acts XVII of 1862, VII of 1867, VIII of 1867, II of 1870, X of 1872 and X of 1873.*

Power to make rules as to resort to dharmsálas, etc.

[2] **19.** *First.*—It shall be lawful for the [3] [District Magistrate], when the public benefit and comfort is in question, to institute rules respecting dharmsálas, liquor-shops, public wells, town-gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them.

Second to Fifth.—[*Cutting firewood, etc.; removal of nuisances and combustible substances.*] *Rep. Act XVII of 1862.*

Publication of rules and submission to Sadr Faujdári Adálat.

Sixth.—In exercising the authority conferred by this section, the [3] [District Magistrate] shall commence by issuing an injunction, which, if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept, at such place or places as may be best adapted to convey information to the public, or the class concerned; a copy of which shall, at the same time, be forwarded to the Court of Sadr Faujdári Adálat, and it shall remain in force, unless forbidden by that Court: and should any person persist in disobeying the injunction, [4] [any Magistrate] may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, [5] [simple] imprisonment

Punishment for violating rules.

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[1] S. 19, s. 20, s. 27, clause *second*, and s. 37, clauses *first* and *second*, of Bom. Reg. 12 of 1827 were declared, by s 5 of the Laws Local Extent Act, 1874 (15 of 1874), General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Province of Sindh—*see* Appendix, p. 307, *infra*.

[2] The portions of s. 19 here printed are repealed by the Bombay District Police Act, 1890 (Bom. Act 4 of 1890), s. 2, Vol. III of this Code, wherever that Act extends.

[3] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[4] "Any Magistrate" was substituted for "the Magistrate" by *ibid.*

[5] The word "simple" was substituted for the word "ordinary" by *ibid.*

[1]* * * not exceeding one month, [2]* * * * or any of these combined [3]* * * *.

Seventh.—Provided, however, that, in all questions arising out of the preceding clause of this section, it shall be competent to any individual who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the [4][District Magistrate] to support his claim, and the [5][Magistrate before whom proceedings against such individual are being held], if applied to, shall stay his proceedings for a reasonable period to allow of such suit being instituted [6]* * * *. Person deeming private rights infringed may try case in Civil Court.

Eighth.— [7]* * * * * * [8][Any Magistrate may] take charge of property found without an owner, and if the provisions of [9] Regulation VIII, A.D. 1827, Chapter II, do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred; but, at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same. Any Magistrate may take charge of property left without owner.

20. The [4][District Magistrate] shall keep standards of such weights and measures [10] as are used in retail-dealings throughout the districts under his charge, and they shall be open to the inspection of any one who may desire to examine them. District Magistrate to keep standards of weights and measures.

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[1] The words "without labour" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "personal restraint" were repealed by the Repealing Act, 1876 (12 of 1876).

[3] Words having reference to expenses for removing noxious or dangerous articles or buildings were repealed by the Repealing Act, 1873 (12 of 1873).

[4] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[5] These words were substituted for the word "Magistrate" by *ibid.*

[6] The words "which shall be tried by the Judge or one of his assistants exclusively" were repealed by the Repealing Act, 1876 (12 of 1876).

[7] The words "the Magistrate shall always be authorized to take charge of stray animals and to detain them either at the sudder station or at the place where found; and if the owners apply and pay the expenses incurred within two months, the animals shall be returned to them; otherwise they shall be sold by public auction and the proceeds, after deducting expenses incurred, shall be paid to the owners on demand" were repealed by Act 3 of 1857.

[8] These words were substituted for the words "The Magistrate shall also" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886) Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[9] *Supra.*

[10] It is provided by s. 7 of the Measures of Length Act, 1889 (2 of 1889), General Acts, Vol. IV, that the District Magistrate shall keep, under Bom. Reg. 12 of 1827, s. 20, such certified measures of the standard yard, standard foot and standard inch as are mentioned in s. 5 of that Act.

21. *Rep. Act XVII of 1862.*

22. *Rep. Act VIII of 1867.*

23 to 26. *Rep. Act XVII of 1862.*

27. *First.*—[*Imprisonment in default of recognizance or security.*] *Rep. Act XVII of 1862.*

Powers in respect of precautionary measures.

Second.—But the [1][District Magistrate] is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance; such as, provided the [1][District Magistrate] considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort, under charge of persons in usual attendance there; and similar measures may, under similar circumstances, be adopted to secure the good conduct of a suspected person; in which case additional restrictions may be made, as suggested by the party's habits, and the evil apprehended, such as prohibiting his leaving his residence, or certain limits, at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood; all which restrictions shall be notified to the party in writing, a copy thereof, with his signature, in token of assent, being kept by the [1][District Magistrate,] and any breach thereof shall be punishable by [2][simple] imprisonment [3]* * * for a period not exceeding six months which penalty also shall be inserted in the instrument.

28 to 36. *Rep. Act XVII of 1862 and Bom. Act VII of 1867.*

Villages liable to fine in case of robbery committed within their bounds.

37. *First.*—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police-establishment, with regard to prevention, detection or apprehension, it shall be competent to the [4][District or Sub-Divisional Magistrate] to investigate the matter as a criminal offence, and, if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of

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[1] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] "Simple" was substituted for "ordinary" by *ibid.*

[3] The words "without hard labour" were repealed by *ibid.*

[4] "District or Sub-Divisional Magistrate" was substituted for "Magistrate" by *ibid.*

which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

Second.—If the fine be awarded against the inhabitants at large, it shall be realized by the Collector in the same manner as revenue-demands, and paid to the order of the Magistrate; if against individuals of the police-establishment, it shall be levied [1] * * * * * as directed for fines in general [1] * * * *. Levy of fines.

Third.—[*Orders by Court of Circuit.*] *Rep. Act X of 1872.*

38 to 53. *Rep Act XVII of 1862 and Bom. Acts VII and VIII of 1867.*

APPENDICES A TO M.

[*Rep. Bom. Act VI of 1866 and Acts XVII of 1862, XII of 1876 and IV of 1894.*]

BOMBAY REGULATION XIII OF 1827.[2]

[*1st January, 1827.*]

A Regulation for defining the constitution of Courts of Criminal Justice and the functions and proceedings thereof.

PREAMBLE. *Rep. Act XII of 1873.*

1 to 34, *First, Second.—Rep. Acts XVII of 1862, X of 1872 and XII of 1873.*

34. *Third.—A Magistrate to whom a summons has been forwarded for execution may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reason for the same in his return,* [3] and it shall be competent to a Court, [4] * * * * when the attendance of a public officer in permanent official employ, or of an individual of known respectability and prudent demeanour is required, to notify the same to him by written order or letter, and take no other security than his returning the same with an endorsement signifying his acquiescence. Substitution of letter for summons.

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[1] The words "by imprisonment in commutation" and the words "in Regulation XIV, A.D. 1827, s. 9," were repealed by the Repealing Act, 1873 (12 of 1873).

[2] S. 34, clause *third*, of Bom. Reg. 13 of 1827 (in so far as it authorizes the occasional substitution of a letter for a summons) was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Province of Sindh—*see* Appendix, p. 307, *infra*.

[3] S. 34, clause *third*, except in so far as it authorizes the occasional substitution of a letter for a summons, was repealed by Act 17 of 1862.

[4] The words "or to the Magistrate above-mentioned" were repealed by the Repealing Act, 1876 (12 of 1876).

34. *Fourth to Eighth,* **to 46.** *Rep. Acts XVII of 1862, XXIV of 1872, X of 1873 and Bom. Act IV of 1865.*

APPENDICES A TO N.

[*Rep. Act IV of 1894 and Bom. Act VI of 1866.*]

BOMBAY REGULATION XXII OF 1827.[1]

[*1st January, 1827.*]

A Regulation to declare and define military authority, in its relations to the civil power and to the community at large.

PREAMBLE. *Rep. Act XIII of 1889.*

CHAPTERS I TO VI.

[*Courts-martial; Military Courts having civil and criminal jurisdiction; Police; Aid by Civil Authorities to Military Tribunals; Military Courts of Requests; Offences cognizable in Civil Court; Limits of Cantonments; Superintendent of Bazars; Process by Civil Authority; Camp-followers.*]

1 to 39. *Rep. Act XIII of 1889.*

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to District Magistrates through whose jurisdiction troops pass.

40. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each [2] [District Magistrate] through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

Aid to be furnished by District Magistrate.

41. *First.*—If it be required, the [3] [District] Magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of pro-

[1] Ss. 40 to 43 of Bom. Reg. 22 of 1827 were declared, by the Laws Local Extent Act 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. They have been declared, by Notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Province of Sindh, *see* Appendix, p. 310, *infra*.

[2] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act I of 1904), Vol. IV of this Code.

[3] "District" was substituted for "local" by *ibid.*

visions as the country may furnish, and such conveyance for passing rivers or ghâts, or any peculiarily difficult places, as is professionally provided by the inhabitants for such purposes.

Second.—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed; and the Collector is to insert the amount so disbursed at the foot of his treasury-account, in explanation of his treasury-balance as prescribed for similar cases. How paid for.

42. *First.*—When emergent occasions require the immediate march of troops, and more extensive aid towards it than is allowed by the preceding section is necessary, the [1][District] Magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue. On emergent occasions aid may be procured by impressment.

Second.—The [1][District] Magistrate's authority for acting as in the preceding clause shall be either an order from the Governor in Council, or a letter from the commanding officer, declaring his inability to proceed without the [2][District Magistrate's] aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the [2][District Magistrate] will act at discretion. What considered as constituting emergency.

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the [2][District Magistrate] on a liberal scale, and paid according to the principles of clause second, section 41, of this Regulation, namely, individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above-quoted rules. Remuneration how made.

Fourth.—Whenever impressment shall take place by virtue of this section, the [2][District Magistrate] shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed [3] * to the Governor in Council [3] * * *. Report as to impressment.

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[1] "District" was substituted for "local" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] "District Magistrate" was substituted for "Magistrate" by *ibid.*

[3] The word "both" and the words "and the Court of Sudder Foujdary Adawlut" were repealed by the Repealing Act, 1873 (12 of 1873).

Certificate to be furnished to person sustaining injury.

43. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

Effect of certificate.

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten (10) days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are *boná fide* of a military nature.

Suit against Collector when to be instituted.

Third.—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and, if satisfied that it is just, shall apply to Government for permission to pay it; if the Collector think the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law by instituting a suit against the Collector.

CHAPTERS VIII AND IX.

[*Requisitions for Military aid by Civil Authorities; Spirituous Liquors.*]

44 to 55. *Rep. Act XIII of 1889.*

BOMBAY REGULATION XXV OF 1827.[1]

[*1st January, 1827.*]

A Regulation for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others for reasons of State.[2]

Preamble.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

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[1] Bom. Reg. 25 of 1827 was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts. It has been declared by notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to be in force in the Province of Sindh, in Aden, and in the villages belonging to the following Mehwassi Chiefs:—

(1) the Párví of Káthí,
(2) the Párví of Nál,
(3) the Párví of Singpur,
(4) the Walvi of Gaohállí,
(5) the Wassáwa of Chiklí, and
(6) the Párvi of Nawalpur,

See Appendix, pp. 307, 334 and 346, respectively, *infra*.

[2] For further provisions, *see* the State Prisoners Acts, 1850 (34 of 1850) and 1858 (3 of 1858), General Acts, Vol. I.

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council;

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamíndárs, táluqdárs and others situated within the zilas subordinate to Bombay should be attached and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding;

the following rules have therefore been enacted [1] * * * * * *.

CHAPTER I.

RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Proceeding for placing persons under restraint as State prisoners.

1. *First.*—When any of the considerations stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the Governor in Council, *provided always that, with reference to the individual, the measure shall not be in breach of British law* [2], to cause such individual to be apprehended in such manner as the Governor in Council may deem fit, and, when apprehended, to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

Form and authority of warrant.

Second.—The warrant of commitment shall be in the form specified in Appendix A, and shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the zilas subordinate to Bombay.

Allowance for support of State prisoner.

2. The Governor in Council shall fix such allowance for the support of the State prisoner as may seem to him expedient in reference to the prisoner's habits and rank in society, and shall specify at the same time through whose means it is to be paid and how it is to be applied.

Report to Government as to conduct, etc., of prisoner.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner

[1] The words "to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

[2] So much of s. 1, clause *first*, as provides that, with reference to the individual, the apprehension and confinement therein referred to shall not be in breach of British law, was repealed by the State Prisoners Act, 1858 (3 of 1858), General Acts, Vol. I, except so far as the said provision applies to European British subjects.

in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

4. *First.*—[*Powers of Judge of Circuit.*] *Rep. Act XII of 1873.*

Prisoner in custody of officer other than District Magistrate by whom to be visited.

Second.—When any State prisoner is placed in the custody of any public officer not being a [1][District Magistrate] the Governor in Council shall instruct either the [1][District Magistrate,] [2]* * * * * or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Report to Government as to confinement, etc., of prisoner.

5. *First.*—Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Representations of prisoner to be submitted.

Second.—The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor in Council.

6. [*Persons already confined as State prisoners.*] *Rep. Act XII of 1876.*

CHAPTER II.

RULES FOR THE ATTACHMENT OF LANDS FOR REASONS OF STATE, AND FOR REMOVING SUCH ATTACHMENT.

Attachment of estates by order of Government without decision of Court.

7. Whenever the Governor in Council, for reasons of the nature of those specified in the preamble to this Regulation, shall judge it necessary to attach the estates or land of any zamíndár, jágírdár, táluqdár or other person without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and the [1][District Magistrate] or other civil authorities of the district in which the lands or estates may be situated [3]* * * *.

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[1] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "or the Judge on circuit" were repealed by the Repealing Act, 1873 (12 of 1873).

[3] The words "and to the Sudder Adawlut" were repealed by the Repealing Act, 1876 (12 of 1876).

8. *First.*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor: Management of attached lands.

Provided, however, that any change may be introduced which the proprietor may desire, and which may not infringe on private rights, nor appear objectionable to the Collector; and annual accounts of the management of the lands attached shall be furnished to the proprietor.

Second.—Such lands or estates, while so under attachment, shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor; but the annual income or any portion of it may, if Government shall so direct, be applicable to the satisfaction of decrees of the Civil Court. Attached lands how saleable in execution. Income applicable to satisfaction of decrees.

9. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates which may have accumulated during the attachment. Rules as to cases where Government orders release from attachment.

APPENDIX A.

To THE (*here insert the officer's designation*).[1]

WHEREAS the Governor in Council, for good and sufficient reasons, has resolved that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby ordered, in pursuance of that resolution, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor in Council and the provisions of Regulation XXV, A.D. 1827.

By order of the Governor in Council.

(*Signed*) *A. B.*,

BOMBAY CASTLE: *Secretary to Government.*

——*day of*—— *18*——.

[1] As to direction of the warrant, *see* the State Prisoners Act, 1850 (34 of 1850), s. 1, General Acts, Vol. I, as applied to Bombay by the State Prisoners Act, 1858 (3 of 1858), s. 3, General Acts, Vol. I.

BOMBAY REGULATION XXIX OF 1827.[1]

[*1st August, 1827.*]

A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khándesh.

Preamble.

WHEREAS, subsequently to the conquest by the Company of the territories of the late Peshwa, in the Dekkhan and Khándesh, and the acquisition from other States by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration ;

and whereas the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkhan and Khándesh under the revised Regulations, being the first [2] twenty-six (26) Regulations of 1827, with certain modifications ;

the following rules have been enacted [3]* * * *

Regulations made applicable to Dekkhan and Khándesh.

2. *First.*—The first [2] twenty-six (26) Regulations of 1827 [4]* * * * shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekkhan and Khándesh, consisting of the zilas of Puna and Ahmadnagar, as described in Appendix A to this Regulation [5]* * * * * *.

Second.—[*Fees.*] *Rep. Act XII of 1876.*

Persons excluded from

3. *First.*—With reference to the said zilas, * * * * * * suits

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[1] As to the application of Bom. Reg. 29 of 1827 to the Southern Marátha Country (Dhárwár District), *see* Bom. Reg. 7 of 1830, *infra*. As to its application in certain other territory, *see* Bom. Act 3 of 1863, s. 4, and Bom. Act 14 of 1866, s. 3, in Vol. II of this Code.

Cf. s. 4 of the Code of Civil Procedure, 1908 (5 of 1908), Genl. Acts, Vol. VI.

[2] Most of these Regulations have been repealed—*see* Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages.

[3] The words and figures "to have effect from the 1st September, 1827," at the end of the preamble, and the words and figures "it is hereby enacted that, in modification of the rules contained in Reg. II, A. D. 1827, sections XXI and XXXVII, clause first" in s. 3, clause first, were repealed by the Repealing Act, 1876 (12 of 1876).

[4] The words "with the exception of Regulation XVIII and of any enactments relating to stamps" were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

[5] The words and figures "and the said territories are hereby further brought under the operation of the Regulations, according as they may apply, to be passed from and after the first September, 1827, for the government of the territories subordinate to the Presidency of Bombay" were repealed by the Repealing Act, 1876 (12 of 1876).

against certain persons of rank, as hereinafter specified, shall not come under the jurisdiction of the Civil Courts. Jurisdiction of Courts.

Second.—A [1]list of the said persons of rank will be furnished by Government to the Judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information. List to be furnished to Judge.

4. *First.*—An [2]Agent of Government shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a Civil nature which would, under the ordinary rules, be cognizable by either of the Judges of Puna and Ahmadnagar against any of the persons [3] contemplated in the preceding section : he shall be furnished with a list of the [4] said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest. Agent to be appointed for trial of suits against them. List and instructions to be furnished to him.

Second.—The list above-mentioned shall comprise three (3) classes of persons of rank ; and the instructions above-mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank. List and instructions what to comprise and provide.

5. *First.*—Suits against the persons belonging to the first of the classes comprised in the Agent's list, being individuals of the very first distinction and influence under the Peshwa's Government on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the Agent, reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom ; Conduct of suits against first class persons.

and no decree against any such defendant shall be enforced until the suit and all proceedings thereon shall have been referred to the Governor in Council (to whom also the plaintiff may appeal), who, as a special superior Court Decrees not to be executed without reference to Government.

[1] As to appeals from decisions passed by jágírdárs included in this list, *see* Bom. Reg. 13 of 1830, s. 3, *infra*.

As to Courts having power to take cognizance of land-suits in which persons included in this list are concerned as defendants, *see* Bom. Reg. 1 of 1831, *infra* and Bom. Reg. 16 of 1831, *infra*.

[2] As to transfer of suits to the Assistant Agent, *see* Act 19 of 1835, *infra*.

[3] As to land-suits in which such persons are concerned as defendants, *see* Bom. Reg. 1 of 1831, *infra*, and Bom. Reg. 16 of 1831, s. 2, *infra*.

[4] *Cf.* Section 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

for the adjustment of such suits, will pass such order thereon as he may deem just and equitable, an appeal to the King in Council being open to either party.

Appeal.

Conduct of suit against second class persons.

Second.—Suits against the persons belonging to the second of the classes comprised in the Agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Peshwa's Government, shall be conducted and tried by the Agent, reference being had in a great degree, and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges, under the Peshwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim and the defendant's liability.

Appeal to Government.

An appeal against the Agent's decision to the superior Court of the Governor in Council, as above constituted, shall be open to either party:

Limitation.

the petition of appeal shall be presented either to the Agent or to Government within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit and a final appeal to the King in Council shall be open to either party.

Conduct of suits against third class persons.

Third.—Suits against the persons belonging to the third of the classes comprised in the Agent's list, being individuals inferior in rank to those of the classes previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of considerations shall be conducted and tried by the Agent, in like conformity to usage and custom, with some relaxation of the rules of the general Regulations and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes.

Appeal to Sadr Adálat.

An appeal to the Sadr Díwání Adálat against the Agent's decision shall be open to either party;

Limitation.

the petition of appeal shall be presented, either to the Agent or to the Sadr Díwání Adálat, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; with which view the instructions of the Agent, with regard to the defendant, shall be communicated by Government to the Sadr Díwání

Adálat; and a final appeal to the King in Council shall be open to either party [1]* * * *.

6. [*Certain classes of suits excluded from jurisdiction of Courts.*] *Rep. Act X of 1876.*

7. [*Pleaders; jurisdiction; appeals; execution of decrees.*] *Rep. Act XIV of 1869.*

APPENDIX A.[2]

(See section 2, clause 1st.)

Territorial description of the Zilas in the Dekkhan and Khándesh, established under the Presidency of Bombay; formed of conquests from the Peshwa (proclamation of occupation, 11th February, 1818), and cessions from Holkar (treaty 6th January, 1818), Sindia (treaty 6th February, 1820) and the Nizam (treaty 12th December, 1822).

ZILA OF PUNA.

The two (2) tarafs Haveli-Puna and Karyát-Mával.

The fifteen (15) following villages of the taraf Keru Bára, namely:—

1 Sivra,	9 Khetkavla,
2 Kondhanpur,	10 Kumbosi,
3 Kalyán,	11 Gávardari,
4 Ráhtavda,	12 Gogalvád,
5 Ombra,	13 Kaumthadi,
6 Árvi,	14 Khed Sivapur,
7 Divra,	15 Kelvad.
8 Kámsa,	

The three (3) following villages of the taraf Musa Khora, namely:—

1 Jámli,	3 Sángrun.
2 Sonápur,	

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[1] The words "under the rules contained in the General Regulations with reference to such appeals from the decrees of the Sadr Díwáni Adálat" were repealed by the Repealing Act, 1876 (12 of 1876).

[2] So much of Bom. Reg. 29 of 1827 as related to the villages of Jálihál, Tingni Bidri, Hongalhalli, Kárjol, Upaldinni, Allásundeh and Boblad was repealed by Act 6 of 1842.

So much of this Appendix as declared the villages contained in the schedule to Act 11 of 1846 and the lands attached thereto (being parts of the parganas of Nandurtár, Sultánpur and Kukarmunda, in the province of Khándesh), subject to the Regulations established for the administration of civil and criminal justice in the Bombay Presidency, was repealed by that Act.

So much of this Regulation as related to the following villages in the Puna District, *viz.*:—

1. The Punt Sucheo's village of Apti, Taraf Hardus-Mával,
2, 3, 4. The Punt Sucheo's villages of Watar, Bhambourdy and Gunund in that part of the Tarafs of Nir Thadi and Sirval which lies north of the Nira river,

was repealed by Act 4 of 1868.

The three (3) following villages of the taraf Muta Khora, namely :—

1 Ámbegaon,
2 Bhávli,
3 Ámbi.

The two (2) following villages of the taraf Kánad Khora, namely :—

1 Vinjer,
2 Ántroli.

[1] *The village of Apti, taraf Hardus-Mával.*

The eighteen (18) tarafs Sándas, Pátas, Pánbal, Máhlunga, Ausiri, Khed, Chákan, Ghoda, Váda, Ámbegaon, Junna, Votur, Ála, Bela, Markhoda, Kokatner, Minner and Náráyangaon.

The ten (10) following villages of the taraf Kurda, namely :—

1 Ámbi,
2 Khámbori,
3 Barádi,
4 Lavki,
5 Nándur Kandumal,
6 Bhaugri,
7 Áldara,
8 Lingdi,
9 Ghásgaon,
10 Pimpalgaon Jog.

The three (3) tarafs Andar Mával, Náni Mával and Paud Khora.

The thirty-two (32) following villages of the taraf Paun Mával, namely : —

1 Karunj,
2 Ámbegaon,
3 Pusáni,
4 Chándkhed,
5 Kila,
6 Shevti,
7 Sindgaon,
8 Pávla,
9 Kurda,
10 Siravli,
11 Ghivandi Álvan,
12 Apti,
13 Kauter Khadak,
14 Malavli,
15 Shivli,
16 Aridiv,
17 Shivner,
18 Bauver,
19 Thugaon,
20 Pardavdi,
21 Mahágaon,
22 Kusgaon,
23 Yelsi,
24 Bebarvohol,
25 Riha,
26 Pauchana,
27 Bersi,
28 Badavli,
29 Árra,
30 Ursi,
31 Gotavra,
32 Ádala Khurd.

The three (3) tarafs Kari Pathár, Sásvad and Supa.

[1] *See* the second footnote on page 29, *supra*.

So much of the two (2) tarafs Nir Thadi and Sirval as lies north of the Nira river[1].

The six (6) tarafs Indapur Bárámati, Mohol, Undertappa to the west of the Sína river, Bhusa and Temburni.

The four (4) following villages of the taraf Karkam, namely :—

1 Gursáli,
2 Bádalkot,
3 Karola,
4 Ujini.

The two (2) following villages of the taraf Káthi, namely :—

1 Sorsti,
2 Shankargaon.

The three (3) tarafs Sholápur, Ahirvádi and Mandrup.

The five (5) following villages denominated the Sammot Phatgaon, namely :—

1 Andál,
2 Muránchi,
3 Nerkhed,
4 Dárphal,
5 Mangrul.

The seven (7) tarafs Indi, Támba, Hippargi, Julvad Kokatnur, Almel, Bardul and Ukli.

The three (3) following villages of the taraf Haveli Bijápúr, namely :—

1 Ukmanhál,
2 Kaulga,
3 Ahleabad.

The four (4) following villages of the taraf Horti, namely :—

1 Ránjanhál,
2 Minchanhál,
3 Tilihál,
4 Kyátilkir.

The qasba of Sindgi.

The six (6) following villages of the taraf Honvad, namely :—

1 *Jálihál*,[2]
2 Rámtirát,
3 Yetinhál,
4 Árahalli,
5 Kaltavteghi,
6 Ghonasghi.

The seven (7) following villages of the taraf Ánti, namely :—

1 Áralhatti,
2 Ábihál,
3 Tangarri,
4 Mangsula,
5 Balgheri,
6 Sambárga,
7 Bemanhl.

The two (2) following villages of taraf Halsanghi, namely :—

1 Bhatgunk,
2 Gotihál.

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[1] As to three of the villages in these tarafs, *see* the second footnote on p. 29, *supra*.

[2] *See* the second footnote on p. 29, *supra*.

The six (6) following villages, namely:—

1 Ávakor,	4 *Tingni Bidri,*[1]
2 Hina Parsalghi,	5 *Hongalhalli,*[1]
3 Surpál,	6 *Kárjol.*[1]

The two (2) tarafs Tálikoti and Nálatvád.

The qasba of Bágevádi and the two (2) villages of Masbinál and Yervál.

The four (4) following villages in the taraf Muhammadpur, namely:—

1 Jaynápur,	3 *Upaldinni,*[1]
2 Budeni,	4 Gurodhál.

The village of Bhágánagar, taraf Sednák.

The seven (7) following villages of the taraf Chimalghi, namely:—

1 Disálkop,	4 Golsinghi,
2 Mijarkop,	5 Gharri,
3 Murkatihál,	6 Liklevádi,

7 Maundghi.

ZILA OF AHMEDNAGAR.

(*Ahmednagar Collectorship.*)

Bársi Pánch Maháls.

The Peshwa's share of the pargana Doka.

The village of Vághola in the Dhárur pargana.

So much of the pargana Haveli-Parinda as lies west of the Sína river and the village of Sánori to the east of the said river.

The two (2) parganas of Jámkhed and Vánghi.

The Peshwa's share of Pránt Karrevarit and that part of the Nizám's share which lies west of the Sina river.

The Peshwa's share of the Ashti pargana and the taraf Mánur.

The two (2) tarafs Naga Haveli and Ránjangaon.

The Pargana Párner.

The nine (9) following villages in taraf Belha, namely:—

1 Davalgaon,	4 Babra,	7 Ukargaon,
2 Orngaon,	5 Kolgaon,	8 Isápur,
3 Karnjavan,	6 Sidori,	9 Andalgáon.

The two (2) parganas of Kharda and Nevása, except the village of Jalka.

The two (2) tarafs Gánjí-Bhoyra and Vávrad.

The paragana Bárágáon Nandur.

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[1] *See* the second footnote on p. 29, *supra.*

The Peshwa's share of the two (2) parganas Bijápur and Gándápur, together with the village of Tákli.

The pargana Sangamner, together with the three (3) qasbas of Ráháta, Puntámbo and Whává.

The thirteen (13) parganas Dhándarphal, Kotúl, Akola, Sinnar, Kumbhári, Pátodá, Násik, Trimbak, Vághera, Váni, Dindori, Shevgaon and Chándor.

(*Khándesh Collectorship.*)

The thirteen (13) parganas Laling, Songir, Ner, Amalner, Betávad, Dhángri, Garondol, Jalod, Chandshahar, Bhadgaon, Bhál, Utrán and Masva.

The pargana Páchora which belongs to Sindia, but is governed by the British.

The taraf Lohára-Haveli which belongs to Sindia, but is governed by the British.

The taraf Sángvi, in the Lohára pargana.

The five (5) parganas Shendurnit, Chálisgaon, Rájdesh, Máhombárái and Mánikpuri.

The eighteen (18) following villages of the Kana Pargana, namely :—

1 Rolter,	10 Kanedi,
2 Rohilla,	11 Jalgaon,
3 Porkri,	12 Jámdi,
4 Malligaon,	13 Tunvana,
5 Chámpáner,	14 Palásgaon,
6 Hingna,	15 Málpur,
7 Náydongri,	16 Vetalpur,
8 Sahkegaon,	17 Makrandarpur,
9 Kadra,	18 Narsinhpur.

The two (2) qasbas of Ránjangaon and Játegaon.

The twenty-four (24) parganas Gálna, Chikhalvohol, Tokra, Jhodga, Lohoner, Vákhári, Sándas, Jayteypur, Pissol, Tilvad, Koráli, Otur, Pála, Hátgad, Kanási, Pimpla, Pimpalner, Dhaiva, Várse, Bhámen, Navápur, [1] *Nandurbár, Sultánpur and Kukarmunda.*

The three (3) qasbas of Pankera, Umarpatta and Chaupála.

The principality of Akráni.

The pargana of Chopda which belongs to Sindia, but is governed by the British.

[1] *See* the second footnote on p. 29, *supra.*

The two (2) parganas of Thálner and Ámba.

The qasba of Sindva.

The pargana of Yával which belongs to Sindia, but is governed by the British.

The two (2) parganas of Adávad and Sávda.

The village of Chángdev.

The pargana of Ráver, including the taraf of Pál.

The four (4) parganas of Nasirabad, Jámner, Bodvad and Bornár.

BOMBAY REGULATION VII OF 1830.[1]

[*17th March, 1830.*]

A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Marátha Country, belonging to the Honourable Company, and forming the said territories into a zila.

Preamble.

WHEREAS the administration of the territories of the Southern Marátha Country, acquired by conquest by the Honourable Company from the Peshwa and by treaty and agreement from other States, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations as established laws;

and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the Presidency of Bombay, the Honourable the Governor in Council has judged it expedient to form the said territories into a zila, to be denominated the zila of Dhárwár, and to introduce and establish therein the Regulations now in force under the Presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekkhan and Khándesh under the provisions of [2][3] Regulation XXIX] of 1827;

the following rules have therefore been enacted [4] * * * * *

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[1] *Cf. s.* 4 of the Code of Civil Procedure, 1908 (5 of 1908), Genl. Acts, Vol. VI.

[2] Substituted for "Regulations XXIX and XXX" by the Repealing Act, 1895 (16 of 1895), *infra*.

[3] *Supra*.

[4] The words "to have effect from the 1st of June 1830" were repealed by the Repealing Act, 1876 (12 of 1876).

1. The territories of the Southern Marátha Country, as described in Appendix A to this Regulation, are hereby formed into a zila, to be denominated the zila of Dhárwár. Territories formed into zila.

[1] **2.** * * * * [2] The said zila is brought under the operation of the general Regulations now in force under the Bombay Presidency, with the exceptions and according to the rules provided in [3] [[4] Regulation XXIX of 1827] for the territories of the Dekkhan and Khándesh, as the same may not have been modified by any subsequent enactment, and with the exception of [5] [section 5]. Brought under operation of Regulations. Exceptions.

3, 4. [*Combination of certain offices in one person.*] *Rep. Act XII of 1873.*

[6] **5.** There shall be a Political Agent in the Southern Marátha Country, on the part of Government, for the trial of suits against persons of rank; and, in modification of the rules contained in section 3 and the following sections of [4] Regulation XXIX, 1827, it is enacted that [7] suits against such persons of whom a list shall be furnished by Government to the Agent, shall be tried by him in the same manner and under the same rules as are enacted for the Agent of Sardárs' claims for the Dekkhan. Creation of Political Agent to try suits against persons of rank, under modification of s. 3, Bom. Reg. XXIX, 1827.

APPENDIX A.[8]

Territorial description of the zila of the Karnátak or Southern Marátha Country, under the Presidency of Bombay, formed by conquests from the Peshwa (Proclamation of occupation, 11th February, 1818), cession by the Rájá of Kolhápur (Definitive treaty, 15th March, 1829), reversion of jágírs on failure of direct heirs, resumption of a part of the Sánglí jágír in lieu of service, and the transfer of two túlukas from the Puna zila (Order of Government dated 19th November, 1829).

The thirty-two (32) parganas Dhárwár, Navalgund, Gadag, Bankápur, Shiggaon, Hángal, Adur, Mishríkot, Old Hubli, New Hubli, Eyarni, Guttul, Kagenellee, Kod, Hirekerúr, Chikkerúr, Kuppelrúr, Tilvalli,

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[1] So much of s. 2 as makes s. 6 of Bom. Reg. 29 of 1827 applicable to the territories comprised in the Southern Marátha Country is repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876), *infra*.

[2] The words "And it is hereby enacted that" were repealed by the Repealing Act, 1873 (12 of 1876).

[3] Substituted for the words and figures "Regulations XXIX of 1827 and XXX of 1827" by the Repealing Act, 1895 (16 of 1895), *infra*. For Regulation 29 of 1827, *see supra*.

[4] *Supra*.

[5] Substituted for the words "the following sections" by the Repealing Act, 1895 (16 of 1895), *infra*.

[6] As to the application of s. 5 in certain other territory, *see* Bom. Act 3 of 1863, s. 4, and Bom. Act 14 of 1866, s. 3, Vol. II of this Code.

[7] As to land-suits in which such persons are concerned as defendants, *see* Bom. Reg. 16 of 1831, *infra*.

[8] So much of this Regulation as related to the village of Jálihál, Tingni, Bidri, Hongalhalli, Kárjol, Upaldinni, Allásandeh and Boblad was repealed by Act 6 of 1842.

Khánápur, Murgod, Bágalkot, Rolli, Bilgi, Bádámi, Kerúr, Mudkavi, Hungund, Nandvargi, Indi, Támba, Hippargi and Jalvádkokatnúr.

Pargana Kardga (with the exception of the villages of Savalgaon, Bálihalli, Jogeshvar, Kondúr, Voginkeri, Indúr, Arshenágeri and Hungund included in the Sonda Province, under the Madras Presidency; Yáribudihál, belonging to Chintáman Ráo Sáheb Sánglíkar; Yelláp̃ur belonging to Mádhav Ráo Sáheb Mirajkar; and Savanúr, Hollanhulli, Chillur, Tobada-Hulikatti Gabbúr, Mankatti, Jekinkatti, Torúr, Siddápur, Yekkíkhop, Kobbanur, Vaddinakop, Náikerúr, Tendúr Manúr, Niralkatti, Dommar-Mattúr, Mulkerri, Mádápur, Basavankop, Chandápur, Kallival, Nandihalli, Honnikop and Surapakatti, belonging to the Nawáb of Savanúr).

Pargana Nirsangi (with the exception of the villages of Váralgi and Vonikerri, included in the Sonda Province, under the Madras Presidency.)

Pargana Taras (with the exception of the villages of Bállinhalli and Kalkeri, included in the Sonda Province, under the Madras Presidency).

Pargana Páchhápur (with the exception of the villages of Bassápur, Haggedáhál, Arlekatti, Serúr, Sháhbandar, Islámpur and Ghutguddi, belonging to the Rájá of Kolhápur; Tummarguddi and Harankolla, belonging to Chintáman Ráo Sáheb Sánglíkar; and Budihál and Malbemardí belonging to Raghunáth Ráo Sáheb Kurundvádkar).

Pargana Ráne Bennur (with the exception of the village of Man-Milár, included in the Bellári District, under the Madras Presidency).

Pargana Rattehalli (with the exception of the village of Ukadgat belonging to the Rájá of Mysore).

Pargana Mausúr (with the exception of the villages of Khaváspur and Guladhalli, belonging to the Rájá of Mysore).

Pargana Almella (with the exception of the villages of Haukoánhalli and Murganúr, belonging to the Surpur Rájá, Nizám's territories).

Pargana Bardol (with the exception of the village of Umraz, belonging to Govind Ráo Sáheb Patvárdhan).

Pargana Tálikott (with the exception of the villages of Bhattnúr, Taggartaggi, Allápur, Nagavi-Állápur, Náraydnpur, Holikeri and Vadgerri, belonging to the Surpur Rájá, Nizám's territories).

Pargana Nálátvád (with the exception of the villages of Madlingad-halli, Kol-guda and Bassápur, belonging to the Surpur Rájá, Nizám's territories).

The six (6) tarafs Kárkop, Máradági, Ugargol, Morab, Medlari and Vatnál.

The twenty-two (22) Karyáts, Áminbhávi, Nárendar, Devar-Hubli, Tadkod Ekkundi, Betigera, Ambadgatti, Sampgaon, Bágevadi, Kádarvalli, Golehalli, Nandgad, Halsangi, Kakkeri, Kárlagi, Lokoli, Manoli, Mazti, Yelli-Manoli, Sadalg, Sindogi and Sattigerri.

Karyát Nesargi (with the exception of the village of Madanbhávi belonging to Siddoji Ráo Náik Nimbálkar, Sar-Lashkar, alias Nipánikar).

Karyát Belvádi (with the exception of the village of Doddvá, belonging to Chintáman Ráo Sáheb, Sánglikar).

Karyát Kabbúr (with the exception of the village of Belákod, belonging to Siddoji Ráo Náik Nimbálkar, Sár-Lashkar alias Nipánikar).

The five (5) Sammats Tegúr, Kalkeri, Kalghatgi, Bommiketti and Tumbs.

The twelve (12) villages under the Fort of Kalánidhigad.

Fort of Hire Gandharvagad and its dependencies.

Fort of Gajendragad and its dependencies.

The five (5) following villages of the pargana Nargund, namely:—

1 Tadáhál,
2 Karkikatti,
3 Auchmatti,
4 Gulugundi,
5 Revadekop.

The thirteen (13) following villages of the pargana Govinkop, namely:—

1 Benkankop,
2 Arshingod,
3 Hanchináll,
4 Hadgali,
5 Kuralgeri,
6 Khánapur,
7 Madgunki,
8 Gobbargumpi,
9 Bettad Kusogal,
10 Harlápur,
11 Govankopp,
12 Mallápur,
13 Jávur.

The four (4) following villages of the pargana Ajamnagar, namely:—

1 Qasba Belgaum,
2 Hindalghi.
3 Sindoli,
4 Mannur.

The eight (8) following villages of the pargana Sháhápur, namely:—

1 Kudchi,
2 Kanábergi,
3 Chandanhosur,
4 Dhamni,
5 Muchandi,
6 Yuldail,
7 Modga,
8 Chandgad.

The village Chikkvadáválli of the parganna Shirhatti.

The seven (7) following villages of the pargana Lakshmeshvar, namely :—

1 Sankilpur,
2 Badni,
3 Vithalpur,
4 Hamigi,
5 Gummágol,
6 Mallikárjunpur,
7 Chákinkeri.

The village of Budihál of the pargana Kundgol.

The village of Algundi of the pargana Máchaknúr.

The seven (7) following villages of the pargana Ukli, namely :—

1 Qasba Ukli,
2 Mangoli,
3 Kumatgi,
4 Bissalhál,
5 Nandihál,
6 Yembatnahál,
7 Hattarkihál.

The four (4) following villages of the pargana Horti, namely :—

1 Rájanhál,
2 Minchanhál,
3 Tilihál,
4 Kyátankerri.

The six (6) following villages of the pargana Honvád, namely :—

1 *Jálihal,* [1]
2 Rámtírth,
3 Yetinhál,
4 Árahalli,
5 Kalkavteghi.
6 Ghonasghi.

The three (3) following villages of the pargana Bágevádi namely :—

1 Qasba Bagevádi,
2 Masbinahál,
3 Yernál.

The nine (9) following villages of the pargana Alni, namely :—

1 Aralhatti,
2 Abihál,
3 Tangarri,
4 Mangsuli,
5 Balgheri,
6 Sambárga,
7 Bomanhál,
8 Madbhávi,
9 Pártanhalli.

The village of Bhahtgunki, of the pargana Halsangi.

The village of Avarkod, of the pargana Garrikokatnúr.

The village of Parsalghi, of the pargana Bidari.

The two (2) following villages of the pargana Ghot, namely :—

1 Surpa,
2 *Tingni Bidri.* [1]

The two (2) following villages of the pargana Mulvád, namely :—

1 *Hongānhalli,* [1]
2 *Karjol.* [1]

[1] *See* the eighth footnote on p. 35, *supra.*

The seven (7) following villages of the pargana Chimalghi, namely :—

1 Bisalkop,	5 Ghani,
2 Majrekop,	6 Siklevádi,
3 Mukartihál,	7 Máradghi.
4 Golsinghi,	

The village of Bhágánagar, of the pargana Sidhánáth.

The three (3) following villages of the pargana Muhammadápur, namely :—

1 Jaynápur,	3 *Upaldinni.* [1]
2 Budeni,	

The two (2) following villages of the pargana Terdál, namely :—

1 Sapta Ságar,	2 Khemlápur.

The three (3) following villages of the pargana Mangalvedha, namely :—

1 Kavtholi,	3 Amba.
2 Donaj,	

The village Konnur, in the pargana Jamkhandi.

The four (4) following villages of the pargana Vithal Vishrám, namely :—

1 Rájgoti,	3 Supa,
2 Kundanur,	4 Turkevádi.

The six (6) following villages of the pargana Mulgund, namely :—

1 Bandvád,	4 Bassápur,
2 Kanávi,	5 Sittaulhari,
3 Hossur,	6 Seruj.

The four (4) following villages of the taraf Konnur, namely :—

1 Horekop,	3 Hágnúr,
2 Hampiholi,	4 Belleri.

The four (4) following villages of the taraf Sánkli, namely :—

1 Kelíla,	3 Hollada,
2 Mendila,	4 Tánáli.

The three (3) following villages of the taraf Maneri, namely :—

1 Mirvala,	3 Vádi.
2. Morula,	

The two (2) following villages of the taraf Harlápur, namely :—

1 Narsápur,	2 Vobalápur.

The village Rokadkatti of the taraf Bannúr.

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[1] *See* the eighth footnote on p. 35, *supra.*

The three (3) following villages of the Karyát Asundi, namely :—

1 Asundi,
2 Karekatti,
3 Kurvankop.

The fourteen (14) following villages of the Karyát Huli, namely :—

1 Qasba Huli,
2 Kapli,
3 Manikatti,
4 Belvanki,
5 Kaujgeri,
6 Rottigávád,
7 Adnur,
8 Dáderikop,
9 Bingadákatti,
10 Konkankujhatti,
11 Tuppadákuratti,
12 Yámgal,
13 Hulikatti,
14 Sortur.

The three (3) following villages of the Karyát Ingalhalli, namely :—

1 Nalvadi,
2 Mulláhalli,
3 Sirguppi.

The two (2) following villages of Karyát Hebli, namely :—

1 Qasba Hebli,
2 Sevalli.

The three (3) following villages of the Karyát Adgal, namely :—

1 Nappanhál,
2 Aluknúr,
3 Biranhál.

The twenty (20) following villages of the Karyát Sholápur, namely :—

1 Qasba Sholápur,
2 Náganúr,
3 Gudikuppi,
4 Hargápur,
5 Karajgi,
6 Shendur Orásing Bazurg,
7 Shenkinhosúr,
8 Honnoli,
9 Konankeri Pimpalgaon.
10 Kanagalla,
11 Hitni,
12 Rásingkhurd,
13 Hadalga,
14 Bahirápur,
15 Sankeshvar,
16 Tavdi,
17 Buktialúr,
18 Ankla,
19 Bákunhál,
20 Baur.

The nine (9) following villages of the Karyát Sávgaon, namely :—

1 Benodi,
2 Haddanál,
3 Mattivád,
4 Rongnoli,
5 Sulgaon,
6 Bhátnagnúr,
7 Audi,
8 Savdalga,
9 Hanchinhal.

The eighteen (18) following villages of the Káryát Laut, namely:—

1 Chinchni,
2 Jettrát,
3 Náhinglej.
4 Hunargi,
5 Siddandál,
6 Yernál,
7 Padlehál,
8 Lakhnápur,
9 Gawhán,
10 Budihál,
11 Kodáni,
12 Kurli,
13 Akkol,
14 Muhammadápur,
15 Buddalmukh,
16 Rumtoli,
17 Pángra,
18 Girgaon.

The seven (7) following villages of the Karyát Naiz, namely:—

1 Mauza Chikodi,
2 Peth Chikodi,
3 Galatga,
4 Kotheli,
5 Ammangi,
6 Naiz,
7 Kunnúr.

The thirteen (13) following villages of the Karyát Nesri, namely:—

1 Peth Daddi,
2 Auladhál,
3 Attehál,
4 Rámevádi,
5 Pedravádi,
6 Modga,
7 Nágánúr,
8 Khavnevádi,
9 Shettihalli,
10 Bilki,
11 Sálámvádi,
12 Kot,
13 Dhondgatti.

The village Bágani of the Karyát Dudgaon.

The three (3) following villages of the taraf Haveli Bijápur, namely:—

1 Ukmanhál, | 2 Kaulga, | 3 Ahleabad.

The twenty-six (26) following villages of the Tappa Chandgad, namely:—

1 Qasba Chandgad,
2 Kodoli,
3 Bágalga Dukkarvádi,
4 Sipúr,
5 Sávarda,
6 Gulvada,
7 Vágothar,
8 Mángaon,
9 Kolindra,
10 Adúr,
11 Naundarida,
12 Asgaon,
13 Sula,
14 Hambera,
15 Khámdal,
16 Paurla,
17 Kokara,
18 Isápur,
19 Konevádi,
20 Umgaon,
21 Návga,
22 Philni,
23 Jámbera,
24 Nahareli,
25 Bhógóli,
26 Kolindra.

The four (4) following villages of the Pránt Ráybág, namely :—

1 Akkevát,	3 Ingli,
2 Naugaz,	4 Ankáli.

The twenty-eight (28) following villages of the Pránt Miraj, namely :—

1 Hattánúr	...	Karyát Tásgaon.
2 Kudchi	...	Do. Maisal.
3 Chandúr	...	
4 Qasba Isápur	...	Do. Isápur.
5 Chikkalgothan	...	
6 Nanbalka	...	
7 Bedaga	...	Do. Bedaga.
8 Gundevádi	...	
9 Gaurvád	...	Do. Shirhatti.
10 Aurvád	...	
11 Tákli	...	
12 Brahmanál	...	Do. Sángli.
13 Padamál	...	
14 Tung	...	Do. Degraz.
15 Hingangaon	...	Do. Kavta Máhankál.
16 Dhámni	...	Do. Haveli.
17 Vásamba	...	Do. Kavta.
18 Zarandi	...	Do. Anjani.
19 Kaulaga	...	Do. Sávarda.
20 Karoli	...	Do. Design.
21 Shipur	...	Do. Ainápur.
22 Bekiri	...	Do. Jugal.
23 Rájápur	...	
24 Nandikurli	...	
25 Kerúr	...	
26 Yedúr	...	
27 Kalhola	...	
28 Sháhápur	...	

The two (2) following villages of the Pránt Kágal, namely :—

1 Mauzari,	2 *Allásandéh.*[1]

[1] *See* the eighth footnote on p. 35, *supra.*

The thirty-eight (38) following villages, not belonging to any particular pargana or other territorial division, namely :—

1 Saundatti,
2 Koteváda,
3 Hálkusugál,
4 Kalkeri,
5 Malligvad,
6 Mugutkhán Hubli,
7 Amrápur,
8 Virápur,
9 Handúr,
10 Talvárkop,
11 Márgankop,
12 Kasmalgi,
13 Ambegápur,
14 Bilámarri,
15 Hulginhál,
16 Keárkop,
17 Gazpatti,
18 Gádikop,
19 Hattiholi Khurd,
20 Alagankop,
21 Bogúr,
22 Daustikop,
23 Hutikottal,
24 Badas,
25 Kukkadolli,
26 Jiknúr,
27 Devar Sigehalli,
28 Ettagi,
29 Gandhigvád,
30 Toligi,
31 Qasba Hukeri,
32 Peth Hukeri,
33 Chuláki,
34 Goravbál,
35 Kaggadhál,
36 Gorvankolla,
37 Bassedon,
38 Sindgi.

BOMBAY REGULATION XIII OF 1830.[1]

[*31st March, 1830.*]

A Regulation for vesting certain jágírdárs, saranjámidárs and inámdárs with the power of deciding suits within the boundaries of their respective estates.

Preamble. WHEREAS, in accordance with former custom, and in many instances agreeably to original tenure, jágírdárs, saranjámidárs and inámdárs have been permitted to exercise civil jurisdiction within their possessions;

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[1] This Regulation was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, General Acts, Vol. II, to be in force in the whole of the Bombay Presidency, except as regards the Scheduled Districts.

The Regulation has been declared applicable to Agents of foreign Sovereigns and to certain other persons—*see* Act 15 of 1840, *infra*.

Every jágírdár and other authority invested with powers under Bom. Reg. 13 of 1830 and Act 15 of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), be deemed to be a Subordinate Judge of such class as the Local Government may from time to time direct, *see* s. 2A of that Act, *infra*.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

and whereas it has been considered expedient to continue, by specific enactments, to such persons the power of filing, trying and deciding original suits; the following rules have been enacted [1] * * * * * *.

Power to grant sanads to jágírdárs and others, authorizing them to try suits.

1. *First.*—It shall be competent for the Governor in Council to grant sanads to persons of the description stated in the above preamble, whose names and possessions are enumerated in a list furnished by Government, conferring on them authority to try and determine all original suits of whatever amount that may be either filed in their Courts, or may be referred to them by the Agent or Judge.

Sanads to define jurisdiction.

Second.—The sanads shall define the territory or jágír over which the jágírdárs' jurisdiction extends, and be drawn out according to the form marked A in the Appendix.

Sanads granted only for life.

Third.—Such sanads shall only be granted for life; and without such sanad no jágírdár, saranjámidár or inámdár shall be considered as having the authority to hear and decide civil actions, unless on arbitration or by consent of the parties.

Government may withhold or withdraw them.

Fourth.—In granting sanads the Government reserves to itself the right of withholding, and, if issued, of afterwards withdrawing, them, if from any cause such course should be deemed necessary in particular cases.

Persons within jágírdár's jurisdiction to bring disputes before him.

2. *First.*—All persons residing within the jurisdiction of a jágírdár must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary; or where one or the other is an European or American, or where, one being the relation or dependent of the jágírdár, the other objects on that ground.

Suits to be sent to Agent or Judge.

Second.—Suits thus excepted shall be sent up to the Agent or Judge, who will dispose of them, either by trying them or by referring them for trial [1] * * * * *.

Decree to be passed by jágírdár.

Third.—The jágírdár shall pass a written decree recording the proceeding held, and his judgment on every action or suit tried before him.

Decisions of jágírdárs final.

3. *First.*—Decisions passed by the jágírdárs enumerated in the list furnished by Government shall, in conformity with their right and authority by tenure, be final.

Appeal from decisions

Second.—The decisions of all other jágírdárs shall be open to appeal according to the rules regarding appeal if in the first and second class of

[1] The words "to have effect from the date of promulgation" in the preamble and the words "to the [*Deputy*] Agent or Assistant Judge, as the case may be" in s. 2, cl. *second*, were repealed by the Repealing Act, 1873 (12 of 1873).

sardárs of the list provided for by clause second, section 3, [1]Regulation XXIX of 1827 to the Agent for the adjustment of sardárs' claims; if of the third class of the said list, to the Judge. Other jágírdárs.

Third.—Decisions by these authorities in these appeals shall be open to [2][appeal to] the Sadr Díwání Adálat, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1,000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred. Appeal from decisions in appeal.

Fourth.—Decrees by a Jágírdár shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision. Decrees not liable to be set aside for want of form.

4. Jágírdárs shall have authority to execute their own decrees, and application for execution of decrees refused by the jágírdár may be received by the Agent or Judge [3]* * * * *. Execution of decrees.

5. A special appeal is open in all cases to the Sadr Díwání Adálat [4]* * * *. Special appeals.

APPENDIX A.

(See section 1, clause second.)

Form of Sanad to be granted to a Jágírdár, Saranjámidár, or Inámdár, for deciding suits.

Seal

The Honourable the Governor in Council, by virtue of the powers vested in him by Regulation XIII of 1830, is pleased hereby to confer on you jágírdár (*or* as the case may be) power to receive, try and decide all such original suits as may be preferred to you for moveable or immoveable property, of whatever amount, or referred to you by the Agent or Judge, whereof both parties, or the defendant or defendants, in such suits shall be resident within the boundary of your jágir, etc., as hereafter defined; provided such parties shall not mutually agree to the contrary; or one or other of them shall not be an European or American;

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[1] *Supra.*

[2] These words were inserted by the Repealing and Amending Act, 1894 (4 of 1894), *infra.*

[3] The words "and such order be passed thereon as justice and the Regulations may require" were repealed by the Repealing Act, 1876 (12 of 1876).

[4] The words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals" were repealed by the Repealing Act, 1873 (12 of 1873).

or, being your own relation or dependent, the adverse party shall not object on that account.

The boundaries of your jágir, over which your jurisdiction, as above set forth, extends, are hereby defined to be

The within-delegated power is vested in you during the pleasure and subject to the recall of the Honourable the Governor in Council.

BOMBAY REGULATION I OF 1831.[1]

[*5th January, 1831.*]

A Regulation for extending the jurisdiction of the Agent of Government, acting under the provisions of section 4, [2] Regulation XXIX of 1827, over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land-revenue.

Preamble.

WHEREAS it has been deemed expedient to extend the jurisdiction of the Agent of Government acting under the provisions of section 4, [2] Regulation XXIX of 1827, to suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by that Regulation are concerned; the following rules have accordingly been enacted [3] * * * * * * * *:

Suits connected with land, rent and produce, which are cognizable by Agent.

1. [3] * * * * * * Suits connected with land, its rent and produce wherein persons of rank of the privileged classes established by [2] Regulation XXIX of 1827 are [4] concerned, [3] * * * * * * * shall hereafter be cognizable only [5] by the Agent of Government acting under the powers vested in him by section 4, [2] Regulation XXIX of 1827, and under the same rules as are prescribed for his guidance in other cases.

Second.—[*Pending suits.*] *Rep. Act XII of 1873.*

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[1] As to the application of this Regulation in certain territory, *see* Bom. Act 3 of 1863, s. 4 and Bom. Act 14 of 1865, s. 3, Vol. II of this Code.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

[2] *Supra.*

[3] The words "to have effect from the date of promulgation" in the preamble, the words "*First*, it is hereby declared that" and the words and figures "and which under the provisions of section XXXI of Regulation XVII of 1827 are within the jurisdiction of Collectors of land-revenue" in s. 1, cl. *first*, were respectively repealed by the Repealing Act, 1873 (12 of 1873).

[4] As to defendants—*see* Bom. Reg. 16 of 1831. s. 2, *infra.*

[5] Also by the Political Agent in the Southern Maráttha Country—*see* Bom. Reg. 16 of 1831, s. 1, *infra.* Also by the Collector and his Assistants—*see* Act 13 of 1842, s. 6, which, however, is repealed by the Bombay Land-revenue Code, 1879 (Bom. Act 5 of 1879) wherever that Code is in force. For Bom. Act 5 of 1879, *see* Vol. II of this Code.

BOMBAY REGULATION XVI OF 1831.[1]

[*14th September, 1831.*]

A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Marátha Country, under the provisions of section 5, [2] Regulation VII, A. D. 1830, to the cognizance of civil suits of the nature specified in [2] Regulation I, A. D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes.

Preamble.

WHEREAS it has been deemed expedient to extend to the Political Agent in the Southern Marátha Country, as Agent of Government, the cognizance of suits of the nature specified in [2] Regulation I, A. D. 1831, and to define more expressly the extent to which such suits shall be cognizable before the Agent of Government; the following rules have therefore been enacted [3] * * * * * *

Suits cognizable before Political Agent of Southern Marátha Country.

1. [3] * * * * Suits of the nature specified in clause first, section 1, [2] Regulation I, A. D. 1831, shall also be cognizable before the Political Agent in the Southern Marátha Country, as Agent of Government, and shall be tried by him in the same manner, and under the same rules, as are prescribed for his guidance in section 5, [2] Regulation VII, A. D. 1830.

Bom. Reg. I, 1831, section 1, clause 1, explained.

2. And it is further explained, with reference to clause first, section 1, [2] Regulation I, A. D. 1831, that such suits shall be cognizable before the Agents of Government only when the persons of the rank of the privileged classes shall in the original suit stand in the relation of defendants.

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[1] As to the application of this Regulation in certain territory, *see* Bom. Act 3 of 1863, s. 4, and Bom. Act 14 of 1866, s. 3, Vol. II of this Code.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

[2] *Supra.*

[3] The words "to have effect from the date of promulgation" in the preamble and the words "It is hereby enacted that" in s. 1, were repealed by the Repealing Act, 1873 (12 of 1873).